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Evaluation of the Office of the United Nations High Commissioner for Human Rights

Report of the Office of Internal Oversight Services

Summary

The Office of Internal Oversight Services (OIOS) examined the relevance, effectiveness and efficiency of the field operations of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in terms of the implementation of its mandate to protect and promote human rights. The evaluation was conducted using surveys, interviews, on-site visits, case studies, direct observation, document reviews and secondary data analyses and was focused on four main questions relating to the criteria outlined below.

Human rights is one of the three pillars of the United Nations, and OHCHR plays a leading role in that regard with its broad mandate to protect and promote all human rights for all. The Office has four types of field presence to implement its mandate: regional offices, country offices, human rights advisers in United Nations country teams and human rights components in peacekeeping missions.

Through its field offices, OHCHR has added value with regard to the protection and promotion of human rights in the field, in the countries and regions in which it has worked. The comparative advantages of such offices include the thematic expertise of staff, their links with the global human rights mechanisms and standards, the assistance they provide to countries in fulfilling their human rights commitments and obligations, and the neutrality and legitimacy of the offices.

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Through its field presences, OHCHR has contributed to sustainable human rights outcomes in the countries and regions in which it has worked, including through the creation and strengthening of human rights institutions, the drafting and passing of laws that are consistent with international standards, the provision of direct assistance in the implementation of constitutional reform and the development of national human rights plans and policies. OHCHR field offices have also supported countries in their engagement with the international human rights mechanisms. Such offices have, however, not been able to consistently provide follow-up support and guidance for the implementation of recommendations arising from those mechanisms, in particular from the special procedures. Within the United Nations system, OHCHR field presences have contributed to the enhanced integration of human rights into common processes, such as common country assessments and United Nations development assistance plans.

Although its field presence has increased, the Office has been unable to meet some requests for support from countries and United Nations country teams, and the support provided to the majority of countries in which it is present is typically limited owing to thinly staffed country and regional offices. Further, notwithstanding its global mandate for promotion and protection, OHCHR has been unable to carry out protection activities to the same extent as promotion activities owing to internal and external factors, such as resource constraints, the lack of political will, less proactive leadership in field offices and the lack of specific country office or regional office agreements.

Although OHCHR has a common framework for planning and reporting to facilitate coherence among its broad mandate, thematic priorities and field activities, it still lacks an overall plan for the efficient deployment of its field operations.

OIOS makes four important recommendations to OHCHR:

(a) Reassess, reconsider and develop options for future arrangements for human rights advisers;

(b) Develop an overarching deployment strategy for OHCHR field presences;

(c) Strengthen internal knowledge management;

(d) Improve procedures for providing support to Member States in following up on the implementation of recommendations.

Contents

		Page
I.	Introduction and objective	4
II.	Background	4
	A. History and mandate	4
	B. Governance and structure	5
	C. Resources	6
III.	Methodology	7
IV.	Evaluation results	8
	A. The Office has played a critical and highly relevant role in the field that no other actor has played	8
	B. Field presences of the Office have contributed to human rights outcomes at the country and regional levels and the mainstreaming of human rights in the United Nations system	10
	C. The Office has effectively supported countries in fulfilling their commitments to international human rights standards and mechanisms, but has provided more limited support to Member States in following up on recommendations	13
	D. Gaps existed in the geographical coverage of the field presences of the Office and in the delivery of its protection mandate	16
	E. The Office has introduced a more uniform structure for the implementation of its field activities, but still lacks an overall plan for the efficient deployment of its field operations	20
V.	Conclusion	22
VI.	Recommendations	23
Annex		
	Formal comments provided by the Office of the United Nations High Commissioner for Human Rights	24

I. Introduction and objective

1. The Inspection and Evaluation Division of the Office of Internal Oversight Services (OIOS) identified the Office of the United Nations High Commissioner for Human Rights (OHCHR) for evaluation on the basis of a risk assessment undertaken to identify programme evaluation priorities. The Committee for Programme and Coordination selected the programme evaluation of OHCHR for consideration at its fifty-seventh session, to be held in June 2017 (see A/70/16). The General Assembly endorsed the selection in its resolution 70/8.

2. The general frame of reference for OIOS is set out in General Assembly resolutions 48/218B, 54/244 and 59/272, as well as the bulletin of the Secretary-General on the establishment of OIOS (ST/SGB/273), which authorizes OIOS to initiate, carry out and report on any action that it considers necessary to fulfil its responsibilities. Evaluation by OIOS is provided in the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (see ST/SGB/2016/6, regulation 7.1).

3. The overall objective of the evaluation was to determine, as systematically and objectively as possible, the relevance, efficiency and effectiveness of OHCHR field operations in implementing the Office's protection and promotion mandates. The evaluation topic emerged from a programme-level risk assessment described in the evaluation inception paper.[1] The evaluation has been conducted in conformity with the norms and standards for evaluation in the United Nations system.[2]

4. Comments from OHCHR were sought on the draft report and taken into account in the final report. The formal response of OHCHR is included in the annex to the present document.

II. Background

A. History and mandate

5. Human rights constitute one of the three pillars of the Charter of the United Nations, along with peace and security and development. The position of the High Commissioner for Human Rights was created by General Assembly resolution 48/141 in December 1993, following the recommendation contained in the Vienna Declaration and Programme of Action. The High Commissioner, who is of the rank of Under-Secretary-General, is appointed by the Secretary-General and approved by the General Assembly. She or he is charged to be the United Nations official with principal responsibility for United Nations human rights activities, with a mandate to promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights.

[1] OIOS Inspection and Evaluation Division inception paper: programme evaluation of the Office of the United Nations High Commissioner for Human Rights, assignment No. IED-16-010 (1 July 2016).

[2] Reissued by the United Nations Evaluation Group in 2016.

6. Other elements of the mandate of the High Commissioner for Human Rights, which is carried out by the Office of the High Commissioner, include:

(a) Carrying out the tasks assigned to him or her by the competent bodies of the United Nations system;

(b) Providing advisory services and technical assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights;

(c) Engaging in dialogue with Governments with a view to securing respect for all human rights;

(d) Coordinating the human rights promotion and protection activities throughout the United Nations system.

7. The Office is responsible for providing substantial and technical support to the following human rights mechanisms:

(a) The Human Rights Council, which was created in 2006 as the principal intergovernmental body on human rights and a subsidiary organ of the General Assembly. The Council is composed of 47 member States, elected by the majority of members of the General Assembly through direct and secret ballot;

(b) The universal periodic review of the Human Rights Council, which comprises a review of the human rights record of all 193 Member States;

(c) The special procedures of the Human Rights Council, which are independent human rights experts with mandates to report and provide advice on human rights from a thematic or country-specific perspective;

(d) The treaty bodies, which are committees of experts that monitor the implementation of the nine core international human rights treaties.

B. Governance and structure

8. The High Commissioner for Human Rights is supported by the Deputy High Commissioner, who leads all the support functions of the office in Geneva, and an Assistant Secretary-General, who represents OHCHR at United Nations Headquarters in New York.

9. The Office carries out human rights field activities and operations. There are currently four types of field presence, in 59 locations: regional offices (12), country offices (15), human rights components in peacekeeping missions (14) and human rights advisers in United Nations country teams (18). The regional and country offices are stand-alone entities that are managed solely by OHCHR. The human rights components in peacekeeping operations are implemented in collaboration with other United Nations entities and have dual reporting lines, as is the case with the human rights advisers.

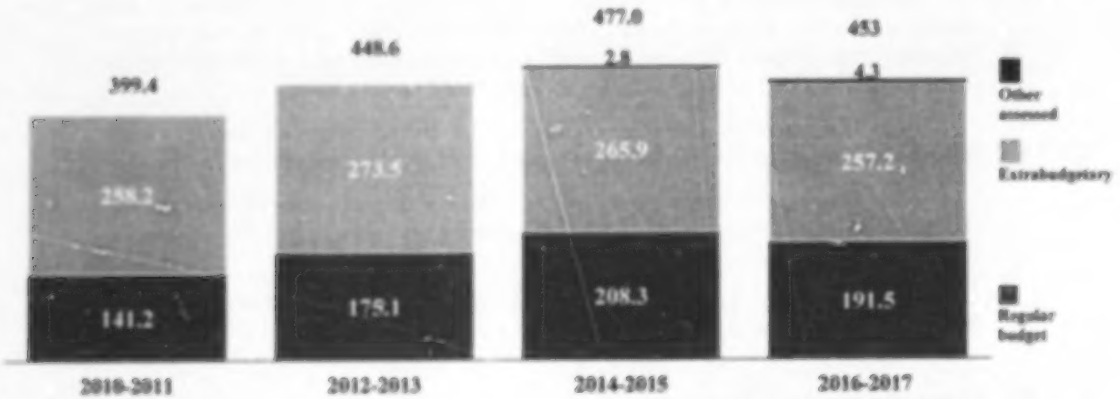
10. The field presence of OHCHR has expanded considerably since the establishment of the post of the High Commissioner for Human Rights, with the largest expansion occurring between 2000 and 2006. During that time, the number of countries with all four types of field presence, excluding technical cooperation

offices and projects, increased from 14 to 37. From 2009 to 2016, although the rate of expansion slowed, the presence of human rights components in peacekeeping missions and human rights advisers increased.

C. Resources

11. As shown in figure I, the regular budget of OHCHR grew between the bienniums of 2010-2011 and 2014-2015 and declined in 2016-2017. Extrabudgetary funds constitute on average 56 per cent of the total budget of OHCHR. Field operations are financed 90 per cent by extrabudgetary funds.

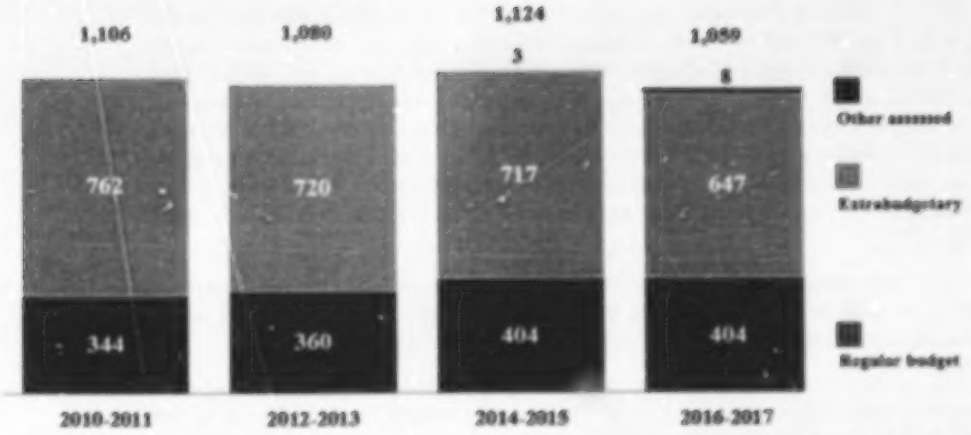
Figure I
Financial resources of the Office, 2010-2017
(Millions of United States dollars)



Sources: A/64/6 (Sect. 23), A/66/6 (Sect. 24) and Corr.1, A/68/6 (Sect. 24), A/70/6 (Sect. 24) and Corr.1 and A/70/6/Add.1.

12. Figure II shows that the total number of OHCHR posts have averaged around 1,100 during the past four bienniums, with posts funded by the regular budget increasing from 344 to 404 and posts funded by extrabudgetary resources decreasing from 762 to 647.

Figure II
Posts of the Office, 2010-2017



Sources: A/64/6 (Sect. 23), A/66/6 (Sect. 24) and Corr.1, A/68/6 (Sect. 24), A/70/6 (Sect. 24) and Corr.1 and A/70/6/Add.1.

III. Methodology

13. The present evaluation was focused on the following four questions:

(a) To what extent have the activities of OHCHR field operations been relevant in the countries and regions in which it has worked in terms of adding value in the field and meeting the needs of external stakeholders?

(b) How efficiently have OHCHR structures and resources facilitated the implementation of human rights mandates at the country and regional levels, in particular by having in place the strategy and structures necessary to ensure the maximum use of resources and the integration of headquarters and field activities?

(c) How effective have OHCHR field presences been in promoting and protecting human rights at the country and regional levels, in particular by contributing to specific human rights outcomes in the field and mainstreaming human rights into the work of the United Nations country teams?

(d) How effective have OHCHR field operations been in implementing the norms that are supported and facilitated by headquarters, in particular by supporting Member States in fulfilling their commitments to international human rights norms and mechanisms and assisting with the follow-up to recommendations?

14. Human rights components in peacekeeping missions were not covered in the present evaluation, because this type of field presence will be evaluated by the Inspection and Evaluation Division of OIOS in 2017.

15. The present evaluation was focused on the past six years, with a more in-depth assessment of the period 2014-2016. All evaluation results are triangulated with multiple data sources. The following combination of qualitative and quantitative data collection methods were used in the evaluation:

(a) Missions to Geneva, Ethiopia, Guatemala, Panama, Sri Lanka, Thailand and Tunisia;

(b) A total of 180 semi-structured interviews, at headquarters and in the field, with OHCHR staff (49 staff members in Geneva and New York and 55 in the field), Permanent Missions of Member States to the United Nations Office and other international organizations in Geneva (10), national Government representatives (17, in six field presences), representatives of local civil society (17, in six field presences), members of United Nations country teams and regional organizations (26, in six field presences), representatives of international non-governmental organizations (3, in Geneva) and international donors (3, based in two field presences);

(c) Web-based surveys of a non-random sample of OHCHR staff at headquarters and in the field;[3] and a non-random sample of independent experts from the treaty bodies and special procedures of the Human Rights Council;[4]

(d) A structured review of key documentation, including OHCHR regional and country notes, field presence end-of-year reports, annual country reports to the Human Rights Council, the United Nations Development Assistance Frameworks and minutes from the annual meetings of heads of field presences.

(e) In-depth case studies of 17 field presences (37 per cent of the total number of field presences);[5]

(f) Secondary data analyses of OHCHR programme data, evaluations, budget information, programme performance reporting data and regional and country reports.

IV. Evaluation results

A. The Office has played a critical and highly relevant role in the field that no other actor has played

The Office has added value with regard to the protection and promotion of human rights in the field, in the countries and regions in which it has operated

16. The representatives from civil society, government entities and United Nations country teams, independent experts and staff who were interviewed and surveyed agreed that OHCHR field offices played a unique role with regard to human rights in the field. They identified three main comparative advantages of OHCHR: (a) it is the custodian of international human rights standards and mechanisms; (b) field offices are seen as having credibility and legitimacy in the field of human rights;

[3] The staff survey was sent to a non-random sample of 1,379 staff; 585 responded (a 42 per cent response rate).

[4] The expert survey was sent to a non-random sample of 241 individuals; 110 responded (a 46 per cent response rate).

[5] Five country offices: Cambodia, Colombia, Guatemala, Guinea and Tunisia; six regional offices: Central America, Central Asia, West Africa, East Africa, South-East Asia and the Middle East; and six human rights advisers: based in the Dominican Republic, Malawi, Papua New Guinea, Rwanda, Sri Lanka and southern Caucasus.

and (c) field offices can bring together different stakeholders. Such advantages were also highlighted in the evaluation of the regional office for Central Asia, covering the period 2010-2013, in which it was determined that OHCHR was perceived as a neutral organization that credibly raised human rights concerns with the state authorities while also working impartially with civil society.

17. Civil society representatives highlighted in particular that OHCHR offered a unique service by playing a bridging role and bringing together polarized groups with different human rights perspectives. For example, in Thailand, OHCHR formally conveyed the concerns of civil society to the Government, and, in Panama and Guatemala, OHCHR has mediated between the Government and indigenous groups.

18. Government and civil society representatives identified the authority, credibility and legitimacy of OHCHR field offices as the main elements that enabled OHCHR to add value. Such characteristics permeated the interactions of OHCHR with stakeholders, enabling it to influence national human rights debates. For example, interviewees mentioned that public statements of OHCHR, because it is a part of the United Nations, carried greater legitimacy than those of civil society actors who also voiced their human rights concerns. Compared to other United Nations entities, OHCHR was better disposed to convey difficult messages and use its voice when confronted with human rights violations. Government interviewees in Guatemala and Panama agreed that even though Governments did not always appreciate criticism from OHCHR, the credibility and legitimacy of the OHCHR field presence enabled it to give criticism without damaging important government relationships.

19. For the members of United Nations country teams, staff and independent experts who were interviewed, the main added value of OHCHR field presences was seen as the support they provided, as custodians of international human rights standards and mechanisms, to countries in fulfilling their commitments and obligations to the treaty bodies, the universal periodic review process and special procedures. They considered OHCHR to be best placed among United Nations agencies to provide guidance on human rights law and treaties. For staff, this comparative advantage was viewed as even more important, because they considered that the support of field presences was crucial in helping countries to navigate the international human rights machinery and understand the numerous recommendations issued by the human rights mechanisms.

The Office has demonstrated its relevance by largely meeting the needs and expectations of its stakeholders in the field

20. The principal stakeholders of OHCHR, namely, State organs, the United Nations system and regional organizations with human rights responsibilities, reported that their needs and expectations had largely been met. The majority of individuals interviewed (83 per cent) stated that OHCHR was meeting the expectations of all or some of its major stakeholders. In meeting such expectations, OHCHR has been able, for the most part, to navigate and satisfy the often opposing needs of two of its main stakeholders, Government and civil society. Civil society tended to favour a strong monitoring capacity of OHCHR, whereas Governments often preferred a greater focus on technical assistance. Other staff remarked that

stakeholders were seldom monolithic and that work on human rights with government actors may require identifying those government counterparts that were more willing to work with OHCHR at a given point in time. In Guatemala, for example, during a period in which the Government was generally less willing to be an active partner, the country office found human rights champions in the courts and the judicial system.

B. Field presences of the Office have contributed to human rights outcomes at the country and regional levels and the mainstreaming of human rights in the United Nations system

The Office reported good progress in attaining its objectives, and stakeholders viewed its overall performance positively

21. In the current 2014-2017 programming cycle, OHCHR field presences have reported progress in the achievement of their expected accomplishments, as identified in the OHCHR Management Plan 2014-2017.[6] In the first year of the cycle, from 2014 to 2015, the number of accomplishments rated as "good progress" increased in all three types of field presence in the 17 case studies.[7] As shown in table 1, for country offices, the increase in expected accomplishments rated as "good progress" was approximately 48 per cent, for regional offices, 72 per cent and for human rights advisers, approximately 38 per cent.

Table 1
The number of expected accomplishments rated as "good progress" increased in the 17 case studies of field presences[8]

	2014	*2015*
Country offices		
Cancelled	4	7
No progress	9	17
Some progress	41	23
Good progress	27	40
Partially or fully achieved	10	10
Regional offices		
Cancelled	–	–
No progress	7	8
Some progress	43	16
Good progress	28	48
Partially or fully achieved	2	8

[6] See OHCHR, "OHCHR Management Plan 2014-2017".
[7] Expected accomplishments are identified in the end-of-year reports that are produced annually by all field presences. The performance ratings are no progress, some progress, good progress and partially or fully achieved.
[8] Data from 2016 were unavailable at the time of analysis.

	2014	2015
Human rights advisers		
Cancelled	–	–
No progress	11	2
Some progress	8	13
Good progress	13	18
Partially or fully achieved	2	1

Sources: Country and regional notes and end-of-year reports (2014 and 2015) for 16 of the 17 case studies of field presences, available from the OHCHR intranet.

22. External stakeholders and staff rated highly the performance of OHCHR in the field. Most of the external stakeholders who were interviewed (71 per cent) considered OHCHR to be effective, whereas only 13 per cent said that OHCHR field presences were underperforming. Staff also assessed their work in the field positively, albeit to a lesser extent than external stakeholders, with just under half (47 per cent) being of the view that field presences contributed to sustainable human rights outcomes. The remaining staff maintained that it was impossible to generalize because some field presences performed better than others.

Field presences of the Office are supporting human rights outcomes at the country and regional levels

23. Through its field presences, OHCHR has contributed in several ways to the advancement of human rights in a country or region, including by:

(a) Improving the compliance of national laws, policies and institutions with human rights standards;

(b) Promoting the ratification of international human rights treaties;

(c) Supporting the establishment and functioning of protection and accountability mechanisms;

(d) Supporting institutions and laws aimed at combating discrimination;

(e) Encouraging the use of national protection systems by rights-holders;

(f) Integrating the human rights-based approach into the work of other United Nations agencies.

24. There are numerous examples across all types of field presence of the way in which OHCHR has contributed to significant and sustainable human rights results (see table 2).

Table 2
Examples of the contribution by selected field presences of the Office to country and regional outcomes

Field presence	*Example of contribution to outcomes*
Regional offices	
Central America	Use of the Latin American Model Protocol for the Investigation of Gender-related Killing of Women
South-East Asia	Monitoring of civil society, and documenting and reporting of cases of torture in detention facilities in Thailand
Central Asia	Improved accountability of judicial actors through the monitoring of trials
	Establishment of a national coordination council on human rights and strengthening of the national preventive mechanism against torture in Kyrgyzstan
West Africa	Legislation for gender equality in political representation
Middle East	Act on migrant domestic workers, in line with international standards, in Kuwait
Country offices	
Cambodia	Private sector engagement with local communities regarding land disputes
Colombia	Victims and Land Restitution Act
	Human rights policy of the Ministry of Defence
Guatemala	Access for the indigenous population to the courts and justice system
	Inclusion of human rights in the constitutional reform process
Mexico	Constitutional amendment relating to human rights
	Development of human rights indicators for public policies
Tunisia	Prison reform
	Inclusion of human rights in the constitutional reform process
Human rights advisers	
Dominican Republic	Deportations in line with international human rights standards
Malawi	National human rights action plan
Sri Lanka	Transitional justice tools and mechanisms

Source: End-of-year reports for 2014 and 2015, lessons learned from the project on human rights protection for conflict prevention and stability in the south of Kyrgyzstan, covering the period 2014-2015, and OHCHR internal evaluations.

The Office has contributed to the mainstreaming of human rights in United Nations country teams

25. All United Nations organizations have a duty to incorporate a human rights approach into their country planning. As the lead agency on human rights and with its link to the global human rights framework, OHCHR has played a vital role in the mainstreaming of human rights in United Nations country teams. All 17 of the field presences reviewed had at least one expected accomplishment related to the mainstreaming of human rights into the work of the United Nations and had advocated a more significant place for human rights in United Nations common country assessments and development assistance plans. In all 17 field presences, human rights had been mentioned in the most recent development assistance plan, and, in 10 of those field presences, human rights had been given priority in the document. For example, in 2014, work by the country office in Cambodia contributed to the incorporation of governance and human rights into the United Nations Development Assistance Framework 2016-2018 as one of three priority outcomes. The conclusion of the evaluation of human rights advisers by OHCHR in 2016 was that human rights advisers had been successful in mainstreaming the human rights-based approach into development assistance frameworks.[9]

26. United Nations partners and OHCHR staff in the field agreed that the Office was a valuable collaborator in mainstreaming human rights into the work of the Organization. Of the 13 members of United Nations country teams interviewed, 12 considered OHCHR support in the mainstreaming of human rights to be useful. Similarly, all former and current resident coordinators interviewed in Guatemala, Panama, Sri Lanka and Thailand agreed that the Office provided valuable support in the analysis of the national social and political context from a human rights perspective. OHCHR staff also graded themselves highly in that regard, with almost three quarters considering the Office to be successful and 70 per cent regarding OHCHR support in mainstreaming as very or somewhat effective. Nevertheless, almost 20 per cent of staff said that the success of the Office in the mainstreaming of human rights in country teams was dependent on working with a resident coordinator who understood or was interested in furthering the human rights agenda.

C. The Office has effectively supported countries in fulfilling their commitments to international human rights standards and mechanisms, but has provided more limited support to Member States in following up on recommendations

The support of field presences in relation to standards and mechanisms has been strong

27. The Office has contributed to results in the following three areas: (a) supporting States in their compliance and engagement with international human rights mechanisms; (b) supporting the engagement of national human rights institutions and civil society with the human rights mechanisms; and

[9] See OHCHR, "Evaluation of the programmes supported by the human rights advisers" (2015).

(c) strengthening coherence and collaboration among United Nations entities in engagement with the international human rights mechanisms. It has had more mixed results with regard to a fourth area, namely, increasing the ratification of treaties and the review of reservations. All 17 field presences reviewed provided technical assistance to countries in at least one of the four above-mentioned areas, and most external stakeholders interviewed (53 per cent) and staff surveyed (81 per cent) rated as effective the support provided by OHCHR to Member States in fulfilling their commitments to international human rights mechanisms.

28. OHCHR field presences were instrumental in assisting States in fulfilling their reporting obligations to human rights mechanisms. In order to institutionalize the reporting process, field presences have advocated permanent national mechanisms to enable States to prepare for the universal periodic reviews and reports to treaty bodies. In 5 of the 17 field presences reviewed, permanent national mechanisms for reporting and follow-up have been established. For example, between 2013 and 2016, Guinea, with the help of the country office, submitted 5 of 15 overdue reports to treaty bodies. In Tunisia, OHCHR helped to establish a national coordination mechanism and provided technical advice and training to its secretariat and drafting committees. In the remaining 12 field presences, where such mechanisms have been established on a more ad hoc basis, OHCHR advocated the permanent establishment thereof. In addition, the technical assistance provided by the treaty body capacity-building programme of OHCHR, in line with General Assembly resolution 68/268, through the deployment of 10 staff members to regional offices, has helped countries to better engage with treaty bodies, as evidenced by an increasing number of submissions or updates to common core documents and replies to the lists of issues submitted (see A/71/118).

29. OHCHR field presences also significantly increased the engagement of civil society with human rights mechanisms. All 17 field presences were involved in providing some form of support to civil society organizations, including capacity-building and guidance on the drafting of shadow reports, and filing complaints with special rapporteurs. For example, in 2016, as a result of training provided by OHCHR on reporting to treaty bodies, Tunisian civil society organizations submitted periodic reports to three committees of the treaty bodies.

30. Furthermore, OHCHR contributed to the increasing systematic engagement of United Nations country teams with international human rights mechanisms. Of the 17 field presences studied, 12 were involved in supporting country teams in one or both of the following areas: coordination and drafting of a country team report to be submitted to human right mechanisms and coordination of human rights working groups. In 2015, in 8 of the 12 field presences that provided such support, the country team submitted reports to treaty bodies committees or the universal periodic review. OHCHR has also been a member of the Human Rights Working Group of the United Nations Development Group, which is co-led by the Deputy High Commissioner of OHCHR and examines how agencies can improve their engagement with the United Nations human rights mechanisms. In addition, OHCHR reported that it had established a task force focusing on procedures for strengthening the dissemination of recommendations.

31. The technical assistance and advocacy work of OHCHR on the ratification of international human rights treaties and the review of reservations, the primary

responsibility for which lies with States, has produced more mixed results. Globally, human rights treaty ratifications and declarations increased by only 5 per cent from 2013 to 2015 (see A/71/118, annex I). Of the 17 field presences reviewed, 10 were involved in providing support in that area, of which 7 made very limited or no progress. For example, notwithstanding the sustained advocacy by the Regional Office for East Africa, both Djibouti and Ethiopia have yet to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. From 2014 to 2016, the Regional Office for West Africa worked on the ratification of 19 international human rights instruments in six countries, but only 3 were ratified.

Follow-up support for the implementation of recommendations arising from the human rights mechanisms was more limited

32. Countries are ultimately responsible for the implementation of recommendations from the human rights mechanisms. Nevertheless, OHCHR field presences provide follow-up support, guidance and advice to help countries to fulfil their obligations. The high volume and variability of such recommendations, however, make it challenging for field presences to provide follow-up support. The country and regional notes of all 17 field presences reviewed showed that the involvement of OHCHR in the follow-up to recommendations from all three mechanisms, namely, the universal periodic review, the treaty bodies and special procedures, was limited during the four-year programming cycle, as shown in table 3 below.[10] Such a limitation in the follow-up to recommendations has also been a consistent theme in the annual meetings of heads of field presences.[11] In the survey of independent experts from the treaty bodies and special procedures of the Human Rights Council, 47 per cent considered the support provided by OHCHR to follow up on recommendations arising from special procedures in particular to be ineffective or very ineffective. Furthermore, although resources are dedicated to supporting follow-up on the recommendations of treaty bodies, through the treaty body capacity-building programme, and on recommendations from the universal periodic review, through its voluntary trust fund, no resources are dedicated to supporting follow-up on recommendations from special procedures.

[10] Country notes often, but not always, make explicit reference to a recommendation from the universal periodic review, a treaty body or a special procedure being followed up. Even though OHCHR might also address the follow-up to recommendations through other activities, such as the provision of technical advice, this might not be reflected in formal country and regional notes.

[11] OIOS analysis of minutes from the meetings of heads of field presence, covering the period 2010-2015.

Table 3
Follow-up on recommendations from the universal period review, treaty bodies and special procedures in the 17 case studies of field presences, 2000-2015

	Country office	*Human rights adviser*	*Regional office*
Total recommendations from the universal periodic review	1 156	1 659	9 269
Number of recommendations from the universal periodic review followed up	86	108	133
Total recommendations from treaty bodies	1 408	2 102	8 608
Number of recommendations from treaty bodies followed up	59	26	195
Total recommendations from special procedures	499	207	1 114
Number of recommendations from special procedures followed up	22	14	36

Sources: Universal Human Rights Index website and country notes for all 17 case studies of field presences.

33. Notwithstanding the challenges noted above, OHCHR field presences have been taking steps to enhance procedures for following up on recommendations from human rights mechanisms, including through the United Nations Development Assistance Framework. For example, the country office in Guatemala organized all recommendations by thematic area in order that members of the United Nations country team could select and use relevant recommendations, and the Regional Office for West Africa clustered and prioritized recommendations from the universal periodic review and some recommendations from the treaty bodies with their respective indicators and timelines in the context of the national human rights action plan of Senegal. Many field presences cluster and prioritize recommendations in order to sort through the large number of often overlapping recommendations. Furthermore, some field presences have assisted States in developing portals that track the progress of recommendations. For example, in Paraguay, the human rights adviser was instrumental in setting up a portal for monitoring implementation that provides information regarding the entity responsible for and the status of implementation.

D. Gaps existed in the geographical coverage of the field presences of the Office and the delivery of its protection mandate

Gaps still exist in the geographic coverage of the Office

34. In the OHCHR Plan of Action of 2005, implementation gaps were identified with regard to the Office's overarching goal to support all countries with a United Nations presence. Even though OHCHR has increased its presence in the field in the past 10 years, coverage gaps remained.

35. As noted in table 4, OHCHR is far from achieving the goal of providing support to all countries. With regard to the 117 countries with a United Nations country team,[12] OHCHR has a country office in 15, a regional office, through which

[12] Countries with United Nations country teams (131) minus countries with peacekeeping missions (14). Human rights components of peacekeeping missions also engage with country teams and resident coordinators.

it provides support remotely or indirectly, in 52 and a human rights adviser in 18. In 22 countries, OHCHR provided no operational support through a field presence, including in countries with very large populations and countries, such as Caribbean countries, that fell outside the purview of the two relevant regional offices. Furthermore, OHCHR did not cover any country that did not have a country team, including most of Europe and North America, not even at the level of a regional office.[13]

Table 4
Almost 20 per cent of countries with a United Nations country team are not covered by any field presence of the Office

	Number	*Percentage*
Countries covered remotely by a regional office	52	44
Countries hosting a regional office	10	9
Countries covered by a country office[a]	15	13
Countries covered by a human rights adviser	18[b]	15
Countries not covered by any field presence	22	19
Total	**117**	**100**

Sources: United Nations Development Group list of countries with a United Nations country team (2016), regional notes and OIOS analysis.

[a] Including the Democratic People's Republic of Korea, which is covered remotely by the country office in South Korea.

[b] Excluding the human rights advisers in Bangladesh, the Russian Federation and the United Republic of Tanzania, all of which were discontinued in 2016.

36. In the absence of a country office, regional offices provided countries with support from a nearby location. Nevertheless, as a result of the limited number of staff members deployed to regional offices, the depth and breadth of such support is also limited. On average, one staff member of a regional office supports two countries. In certain regions, such as the Pacific and West Africa, that ratio increases to more than three countries per individual. For example, one staff member supports Indonesia remotely from the regional office in Bangkok, and, given that it is such a large country with an active Government and civil society organization stakeholders, the support that OHCHR can provide is limited. Furthermore, countries hosting a regional office tend to receive a disproportionate amount of support compared to other countries in that region. In the Regional Office for Central Asia, for example, it was estimated that 90 per cent of work time is spent on Kyrgyzstan.[14] The same point was also noted in the review by the Joint Inspection Unit of the management and administration of OHCHR (see A/70/68).

The delivery of the protection mandate has been uneven in the field

37. The overarching mandate of the High Commissioner for Human Rights, as set out in General Assembly resolution 48/141, is to both promote and protect human

[13] The coverage of countries in those areas from headquarters was limited.

[14] See OHCHR, "Evaluation of the regional office for Central Asia 2010-2013" (2014).

rights. All field presences should therefore be able to carry out activities relating to the promotion and protection of human rights. The delivery of the protection mandate has, however, been uneven in the field. The protection goal has been defined in the Office's Plan of Action of 2005 as an outcome by which rights are acknowledged, respected and fulfilled by those under a duty to do so and as a result of which dignity and freedom are enhanced.[15] Protection can therefore encompass a range of activities, from building stronger laws and institutions that protect rights to more direct action aimed at protecting vulnerable individuals and groups. Many OHCHR staff interviewed stated that protection includes the monitoring and direct observation of potential rights violations and the use of that information to advocate the protection of those at risk. Nevertheless, they also noted that some countries may be hesitant to agree to such activities.

38. Of the 17 field presences reviewed, five country offices have a specific agreement with the country to carry out protection activities covering observation, monitoring, reporting, advice and technical cooperation. In Colombia, for example, through an assessment of the office, it was reported that the positive changes promoted by the office in the human rights policies of the country arose from the ability of the office to combine observation and advice with reporting. In Guatemala, OHCHR conducted joint monitoring missions with the national human rights agency that were perceived positively by members of that agency.

39. The agreements that regional offices have with host countries do not include explicit references to the full range of protection activities to be performed, including monitoring, reporting and observation. Human rights advisers under the responsibility of the resident coordinators also do not have specific agreements with countries in that regard. Nevertheless, some of the regional offices and human rights advisers interviewed for the present evaluation did identify opportunities to carry out some protection activities, such as monitoring political and electoral events and repatriations, by working with individual human rights champions within Governments.

40. Several factors, both internal and external, accounted for the uneven delivery of the protection mandate in the field, including the absence of a specific protection agreement for the OHCHR field presence, the lack of political will, potential tensions with the United Nations country team and less proactive leadership of OHCHR. With regard to the last factor, some staff members and stakeholders in the field stated that heads of field presences varied in terms of how vigorous they were in engaging Governments and facilitating dialogue with regard to the protection mandate of OHCHR.

Resource constraints have contributed to the gaps in delivery by the Office

41. The human rights pillar was by far the least resourced of the three pillars of the United Nations. This fact has been noted in a number of documents, including the evaluation by the Joint Inspection Unit in 2014, in which it was stated that approximately 3 per cent of the United Nations regular budget was devoted to human rights and that many Member States and the Office itself regarded that

[15] See OHCHR, "The OHCHR Plan of Action: Protection and Empowerment" (2005), p. 12.

amount as insufficient (see A/70/68).[16] Furthermore, OHCHR has seen an increase in the number of mandated activities without a corresponding increase in funding. In 2016 alone, the Human Rights Council adopted more than 100 resolutions (compared to approximately 50 in 2007), in many of which it called on OHCHR to draft new reports or convene new meetings and panels. For some of the resolutions a statement of programme budget implication was issued to detail the additional costs. Nevertheless, in a review of 45 randomly selected resolutions from 2016, in all of them, the High Commissioner for Human Rights was asked to carry out the request within existing resources.

42. OHCHR has also been unable to meet the demand for its field presences. In 2016, OHCHR received written requests for the deployment of eight human rights advisers and one country office to which it was unable to respond owing to the lack of resources.

43. Resource constraints in particular have contributed to an unstable situation in relation to human rights advisers. There are two groups of human rights advisers: first generation advisers, who were deployed in 2010-2012,[17] and second generation advisers, who were deployed after 2012 through the United Nations Development Group strategy for the deployment of human rights advisers to resident coordinators and United Nations country teams.[18] Under the strategy, it was proposed that country teams would cover 50 per cent of the salary of the human rights advisers in the second year and 100 per cent in the third year. This did not, however, occur, and many country teams were unable to contribute their share. As a result, nine human rights advisers had to resort to last-minute ad hoc solutions in order to be able to continue operating.[19] The Office expects that at least six of the human rights advisers will likely not continue operating beyond June 2017. Some first-generation human rights advisers are also in financial distress. In Sri Lanka, for example, the stakeholders interviewed expressed surprise that, given the complex transitional justice issues facing the country, a stable contractual situation for the human rights adviser had not yet been found.

44. There was a strong sense among external stakeholders that the financial resources of OHCHR were inadequate. Some 78 per cent of the external stakeholders interviewed believed that the current funding was insufficient and 90 per cent of the staff interviewed expressed concerns about the current levels of funding of OHCHR.

45. Part of the funding challenges in OHCHR is linked to a growing trend for earmarked funding. In 2015, the proportion of unearmarked funding decreased to 37 per cent (from 47 per cent in 2014 and 54 per cent in 2013) of total income received,[20] which reduced the flexibility of OHCHR to deliver fully on its mandate.

[16] The regular budget of OHCHR is 3 per cent of the United Nations regular budget. Other United Nations entities also engage in some human rights-related activities.

[17] See OHCHR, "Revised OHCHR Policy on Human Rights Advisers: Standard Operational Framework" (23 December 2010).

[18] See United Nations Development Group, "United Nations Development Group Strategy for the Deployment of Human Rights Advisers to Resident Coordinators and United Nations Country Teams" (2012).

[19] See OHCHR, "Evaluation of the programmes supported by the human rights advisers" (2015).

[20] See OHCHR, "United Nations Human Rights Appeal 2016".

46. In a change from previous policy, field presences have been encouraged to carry out fundraising activities locally in order to diversify the donor pool.[21] Of the 17 field presences reviewed, 14 have engaged in fundraising. Nevertheless, the field staff interviewed identified two main risks associated with the new policy, namely, further imbalances in coverage as a result of success or failure in fundraising drives and less time spent on substantive activities by field staff owing to the need to spend time on fundraising activities. The conclusion of the evaluation of the regional office for Central Asia, which has been quite successful in generating project funds, was that such success could contribute to potential tension between OHCHR-wide priorities and donor project priorities.

47. Furthermore, the low level of heads of field presences has limited the visibility and reach of OHCHR. Of the 17 field presences reviewed, 15 were headed by staff members at the P-5 level and the remaining 2, at the D-1 and P-4 levels. This has created challenges in gaining an equal footing with other heads of United Nations entities in the field and in engaging senior government officials. For example, participants in the United Nations Development Group regional quarterly review, which is a mechanism that examines all countries on a regular basis for early warnings signs of human rights violations, must be at the director level, thus excluding heads of regional offices of OHCHR. Other entities, such as the Office of the United Nations High Commissioner for Refugees, the field offices of which were mostly headed at the director level, typically have staff members at a higher level in comparable positions.

E. The Office has introduced a more uniform structure for the implementation of its field activities, but still lacks an overall plan for the efficient deployment of its field operations

48. The Office has introduced a common framework for the planning and reporting of its activities that has created coherence among its broad mandate, thematic priorities and field presences. Its programming cycle, which comprises OHCHR-wide strategic planning and monitoring, uses three main tools: workplans, country notes and end-of-year reports. Clear guidelines have been developed for all of those tools. All of the 17 field presences reviewed had log frames, most of which (14) were assessed as being of high quality. Some of the constructive features noted in such frames included clear and explicit links between resources, activities, outputs and expected accomplishments, and their alignment with broader organizational thematic priorities. The remaining three log frames were assessed as being of medium quality, primarily because of the less obvious alignment between activities and priorities. In addition, of the staff members interviewed who discussed programme planning processes in OHCHR, most were of the opinion that such processes had improved, because all field offices now planned against a global set of expected accomplishments and results. They also assessed the performance monitoring system as a generally good planning and programming tool.

49. In that context, the backstopping between OHCHR headquarters and field presences generally works well but is in need of strengthening in some key areas. Of

[21] See OHCHR, "Fundraising at OHCHR: guidance for field presences and headquarters" (2014).

the 17 field presences reviewed, 14 reported that the ability to obtain from headquarters the assistance needed to be able to perform their jobs was adequate or somewhat adequate. Furthermore, 61 per cent of OHCHR staff surveyed strongly or somewhat agreed that headquarters backstopping satisfactorily supported field presences, and 63 per cent agreed that field presences were promptly made aware of field-related policy decisions. Nevertheless, fewer agreed that field staff were sufficiently consulted on OHCHR-wide decisions (54 per cent). Overall, the field staff surveyed rated backstopping support higher than the headquarters staff. Just over half of OHCHR staff interviewed (55 per cent) said that headquarters backstopping of field offices was adequate, although some also noted that desk officers interpreted their roles differently and that advisory and administrative support were not consistent. In particular, stronger political backing was needed at critical junctures and in day-to-day transactions, such as the transfer of funds or recruitment of staff.

50. With regard to structures to promote the sharing of information and experience within OHCHR, just over half of OHCHR staff surveyed (53 per cent) strongly or somewhat agreed that such sharing was sufficient between headquarters and the field, but fewer (39 per cent) agreed that it was sufficient across field presences. Several field staff interviewed made the same point. Some specific examples of important efforts that were not shared satisfactorily with other field locations include the work on indicators in the country office in Mexico and, more generally, the experience gained and lessons learned when, for example, opening offices or in specific contexts, such as post-conflict situations or working under challenging resident coordinators. In the meetings of heads of field presences reviewed, a consistent priority was identified for heads of field presences to create stronger networks, communities of practice and mechanisms for more systematic knowledge management. Furthermore, aside from the yearly meetings, there are no other mechanisms to enable the regular and systematic sharing of experiences between field presences, particularly at the lower staff levels.

51. Notwithstanding the signs of greater structural and programmatic coherence between its headquarters and field presences, OHCHR still lacks an overall plan and strategy for the deployment of its field operations. Although the recent proposal to redeploy staff from headquarters to regional offices can be seen as part of a larger effort to improve its field presences, a broader strategy for when, where and how to deploy its limited resources to the field is still lacking. A clear methodology and systematic approach for determining when and how to reduce and eliminate field offices is also lacking. The recommendation to develop an overarching OHCHR field strategy was made in the previous OIOS evaluation in 2009 (A/64/203 and Corr.1), and the gaps raised in that report with regard to insufficient priority-setting, inconsistent decision-making and limited standardization of work methods remain. Those gaps were also noted in the Joint Inspection Unit report of 2014, in which it was stated that country offices were being established in an ad hoc manner with little if any medium- or long-term vision (see A/70/98). Lastly, a number of OHCHR staff interviewed, including senior-level staff, said that a strategic discussion on where to establish and when to close field presences was lacking.

52. Although both staff and stakeholders interviewed and surveyed, including Member States, commonly agreed that an expanded field presence was necessary for OHCHR to achieve better results, they had mixed views with regard to what that

structure should resemble. A number of staff said that regional presences should be strengthened, whereas others advocated greater strengthening of country offices. In the staff survey, respondents also most frequently said that country offices were the optimal type of OHCHR field presence, but recognized that this option was often not feasible owing to resource constraints and/or the lack of political will.

V. Conclusion

53. As one of the three pillars of the United Nations since the Organization was founded, human rights are at the core of its identity and of the ideals it champions. Covering the broad spectrum of civil, cultural, economic, political and social rights, human rights are essential in ensuring, in the words of the Charter of the United Nations, "the dignity and worth of the human person". Greater coherence among the three pillars is needed to guide the strategy and activities of the United Nations at the country level.

54. When the post was first established in 1993, the High Commissioner for Human Rights was seen as the head of the then Centre for Human Rights, or, more broadly, of the United Nations human rights programme, and an advocate for the principles of international human rights law. As his or her immediate office, OHCHR must provide the necessary support to enable the High Commissioner to implement that mandate. As the only United Nations entity dedicated exclusively to human rights, and with a broad scope that encompasses the full range of those rights, OHCHR is uniquely placed to contribute to progress in securing and safeguarding human rights for the global population.

55. With its dual and complementary roles of facilitating the establishment of global human rights norms and standards and assisting with their implementation on the ground, OHCHR must support Member States in honouring their universal commitments as determined by the Human Rights Council and country-level recommendations from the universal periodic review. It must also play a leading role in mainstreaming human rights into the wider work of the United Nations system, in particular its peace and security and development pillars. Its presence in the field is critical if it is to succeed in those tasks, and the Office has clearly demonstrated tangible outcomes at the country and regional levels and with its United Nations partners.

56. Nevertheless, OHCHR field presences have been severely limited. There are not enough of them, and there are gaps in what they do and how much they cover. The lack of an overall strategic vision for where to deploy the limited field resources of OHCHR has also hampered its capacity to perform on the ground. Although its headquarters activities are critical and form the normative foundation for its work, OHCHR cannot fully implement its mandate without an equally robust programme of work, engaging directly with Governments, regional organizations, United Nations partners, national human rights institutions and civil society on the ground. It must build upon the considerable success already achieved and continue to seek new and innovative ways to champion the human rights agenda.

VI. Recommendations

57. OIOS makes the following four important recommendations to the Office:

Recommendation 1 (result B, paras. 42 and 43)

58. OHCHR should reassess, reconsider and develop options for future arrangements for human rights advisers, including funding sources and contractual provisions.

Indicator of achievement: an option paper outlining the various scenarios for ensuring the sustainability of human rights advisers as a viable field presence, developed in consultation with the United Nations Development Group.

Recommendation 2 (result B, para. 51)

59. The Office should develop an overarching deployment strategy for OHCHR field presences, which should include:

(a) A clear proposal and corresponding criteria for where, when and how to deploy resources to the field;

(b) Benchmarks for the possible downsizing and/or closing of existing field presences;

(c) A plan for how to ensure that regional offices provide adequate support to the countries that they cover.

Indicator of achievement: a deployment strategy addressing the issues above.

Recommendation 3 (result B, para. 50)

60. The Office should strengthen internal knowledge management by developing tools and protocols to better facilitate the sharing of practice and experience among field presences, and between field presences and headquarters, in order to enhance organizational communication and learning.

Indicator of achievement: An assessment of knowledge gaps and needs and a corresponding plan for developing specific tools and protocols to address them.

Recommendation 4 (result C, paras. 32 and 33)

61. Building upon the good practices identified in paragraph 33, OHCHR should strengthen existing procedures for providing support to Member States in following up on the implementation of recommendations arising from the three types of human rights mechanisms, in particular special procedures.

Indicator of achievement: a review of the existing follow-up instruments and the identification of opportunities for strengthening them, in particular for special procedures.

(*Signed*) Heidi **Mendoza**
Under-Secretary-General for Internal Oversight Services
17 March 2017

Annex

Formal comments provided by the Office of the United Nations High Commissioner for Human Rights

The Office of Internal Oversight Services (OIOS) presents below the full text of comments received from the Office of the United Nations High Commissioner for Human Rights (OHCHR) on its evaluation. This practice has been instituted in line with General Assembly resolution 64/263, following the recommendation of the Independent Audit Advisory Committee.

Comments of the Office of the United Nations High Commissioner for Human Rights on the report of the Office of Internal Oversight Services on the programme evaluation of the Office

1. In response to your memorandum of 24 February 2017, I am pleased to provide herewith the response of OHCHR to the draft report of OIOS on its evaluation.

2. First and foremost, we would like to express our appreciation to you and your staff for the spirit of consultation and open and constructive dialogue throughout the process.

3. The report is welcomed and provides valuable insights for the continued strengthening of the work of OHCHR field operations. The Office agrees with all the recommendations and is committed to their implementation, as set out in the recommendations action plan. In addition, we wish to highlight a number of general considerations as outlined below.

4. The draft report points to the limited funding situation and its impact on the capacity of OHCHR field presences. The draft report also raises a number of challenges faced by OHCHR representatives in the field, including their inadequate grade level as compared to other parts of the United Nations system, which limits their access in the context of a number of policymaking and decision-making processes. In this context, we regret that there is no recommendation responding to the capacity constraints of OHCHR field presences owing to limited funding and the low level of representation. These are important elements that have consequences for the Office's efficiency and effectiveness in various field settings.

5. The draft highlights that "gaps still exist in the geographic coverage". This is inherently linked to the very limited size of OHCHR regional offices, which makes it difficult for them to engage evenly with all countries under their responsibility. The recommendation to develop a plan to ensure that regional offices provide adequate support to the countries they cover is therefore welcomed and important. In this context, we wish to highlight the ongoing efforts of OHCHR to strengthen its regional offices, including as set out in the report of the Secretary-General on the proposed regional restructuring of the Office (A/71/218 and Corr.1).

6. The report does not include an analysis of the human rights components of peacekeeping missions. Although we understand that the human rights components

will be the subject of a separate evaluation, it is important to note that they are an integral part of the Office's engagement in the field. The analysis in the present report, in particular with regard to the discussion on the gaps in coverage, should therefore be read in the light of the fact that the human rights components have not been part of the present evaluation.

7. I would like to take this opportunity to thank you and your colleagues, in particular the evaluation focal points, for the excellent cooperation.